HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.14312 OF 2006

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Between:

Bolla Butchaiah

……Petitioner

And

The Deputy Secretary to Government of India,
Ministry of Home Affairs, Freedom Fighters
Division, Lokh nayak Bhavan, New Delhi
and another

……Respondents

:: ORDER ::

Counsel for the Petitioner : Sri G. Ravi Mohan

Counsel for Respondent No.1 : Smt. Y. Saraswathi,
Central Government
Standing Counsel

Dated: 26-07-2006

This is a petition by Sri Bolla Butchaiah for issue of a mandamus to the respondents to grant pension to him under Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme').

Although the respondents have not filed counter affidavit, after hearing learned counsel for the parties and perusing the affidavit of the petitioner, I am convinced that the petitioner has failed to make out a case for issue of a direction to the respondents to entertain and decide his claim for grant of pension under the 1980 Scheme.

Smt. Y. Saraswathi, learned counsel for respondent No.1 pointed out that the affidavit of the petitioner is conspicuously silent about submission of application to the Government of India for grant of pension under the 1980 Scheme. Learned counsel for the petitioner responded to this statement by saying that his client had submitted application to the competent authority. However on being asked by the Court, he could not produce any tangible evidence to show that his client had, in fact, submitted application to the competent authority for grant of pension under the 1980 Scheme.

In view of the above, I do not find any justification to entertain the petitioner's prayer and dismiss the petition.

However, it is made clear that this order shall not preclude the petitioner from making claim for grant of pension under the 1980 Scheme by submitting application to the competent authority in the prescribed format along with necessary documents. It is also hoped that if any such application is made by the petitioner, and his claim is found to be genuine, then the competent authority will consider and decide the same at the earliest.

As a sequel to dismissal of the writ petition, WPMP No.17811 of

2006 filed for directing the respondents to consider the petitioner's case for sanction of pension under the 1980 Scheme is also dismissed.

G.S. SINGHVI, CJ

26-07-2006
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